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APPLICATION NO.	1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,271		02/28/2000	Raymond Senez	1782-014-999	9338
20583	7590	05/20/2005		EXAMINER	
JONES DA			PATEL, JAGDISH		
222 EAST 41ST ST NEW YORK, NY 10017				ART UNIT	PAPER NUMBER
	,			3624	
				DATE MAILED: 05/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>	Application No.	Applicant(s)					
	09/514,271	SENEZ, RAYMOND					
Office Action Summary	Examiner	Art Unit					
	JAGDISH PATEL	3624					
7- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on 18 January 2005.      2a) This action is FINAL.      2b) This action is non-final.      Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) ☐ Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 1-25 is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	(PTO-413) ate atent Application (PTO-152)					

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## DETAILED ACTION

1. This communication is in response to amendment filed 1/18/2005.

## Response to Amendment/Remarks

- 2. Applicant's arguments filed 1/18/2005 have been fully considered but they are not persuasive.
- 3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant argues that Remington does not teach or suggest that the bill payment instruction be communicated from the client computer to the bill processing server as recited in the independent claims 1 and 14. However, the examiner has relied on the Remington patent for teaching that a client computer receives bill information and remittance information directly from the biller and not from the bill processing server. The examiner has not relied on the Remington patent for teaching that the bill payment instructions be communicated from the client computer to the bill processing server. The applicant also

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alleges that Remington teaches away from a centralized arrangement by providing for return of the payment instruction to the biller. This argument is not persuasive because the examiner has not considered Remington in isolation but only for modification of the Kitchen reference.

The applicant has not provided any explanation which 4. would render the combination of Kitchen in view of Remington improper. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). case, one of ordinary skill would have readily recognized the benefit of receiving and viewing the bill information and selecting means for initiating bill payment instruction from the biller and not from the bill processing server as clearly indicated in the motivation statement. In other words, one of ordinary skill in the art would have

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recognized that the combination of communicating the bill information and the bill payment information directly to the client (as per Remington) and maintaining the processing of the bill payment of the bill processing server based upon the bill payment instructions (as per Kitchen) would provide economic incentive (reduced services of the bill processor) over the Kitchen system.

Based on the foregoing arguments, it is asserted that the rejections of claims 1-25 under 35 U.S.C. 103(a) over Kitchen and Remington references as cited in the previous office action are proper and are maintained.

## Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened

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statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Jagdish N. Patel

(Primary Examiner, AU 3624)

5/13/05